

Application No.: 10/051693

Case No.: 56268US012

REMARKS**35 U.S.C. § 103 Claim Rejections**

Claims 1-4, 6-12 and 17 are rejected under 35 U.S.C. 103 (a) as being unpatentable over WO 99/55791. Claim 5 is rejected under 35 U.S.C. 103 (a) as being unpatentable over WO 99/55791 in view of JP 57-044679. Accordingly, all the rejections at hand rely upon WO 99/55791 as the primary reference.

The tamper-indicating article of the invention comprises a specific construction, i.e. (a) a retroreflective sheet and (b) an adhesive layer,

wherein **said retroreflective sheet comprises**

a reflective layer,

a layer of lenses positioned in optical connection with said reflective layer so as to produce retroreflection; and

a non-silicone-based release layer disposed between said reflective layer and layer of lenses.

Note that the non-silicone-based release layer, i.e. the damageable layer that is indicative of tampering, is within the construction of the retroreflective sheet. Although WO 99/55791, teaches an article having a retroreflective layer and a damageable layer, WO 99/55791 fails to teach a damageable layer **between said reflective layer and layer of lenses**. With reference to FIGS. 2 and 3 of WO 99/55791, the present invention would be represented by the splitting of layer 80.

Accordingly to the MPEP 706.02(j), to establish a prima facie case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second there must be reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations.

Application No.: 10/051693Case No.: 56268US012

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

The Applicants submits WO 99/55791 fails to teach a non-silicone-based release layer disposed between said reflective layer and layer of lenses. The Applicants further submits that JP 57-044679 also fails to teach this claimed feature and thus fails to overcome the deficiencies of the primary reference.

Reconsideration and a timely allowance are respectfully requested.

Respectfully submitted,

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Date

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